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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,823	12/04/2001	Vincent Carl Harradine	450110-03117	9058
22850	7590	06/16/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHOWDHURY, NIGAR	
			ART UNIT 2621	PAPER NUMBER

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/016,823	Applicant(s) HARRADINE ET AL.	
	Examiner Nigar Chowdhury	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-13, 16-19, 31-34, 37-39, 42-44, 47-50, 53-56, 58, 60-65 is/are rejected.
- 7) ☒ Claim(s) 6-8, 14, 15, 20-29, 35, 36, 40, 41, 45, 46, 51, 52, 57 and 59 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

- TTG
6/8/06
1. Claims 6-8, 14, 15, 20-³⁰~~29~~, 35, 36, 40, 41, 45, 46, 51, 52, 57, 59 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim shall not serve as a basis for any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-8, 14, 15, 20-³⁰~~29~~, 35, 36, 40, 41, 45, 46, 51, 52, 57, 59 are not been further treated on the merits.
- 6/8/06

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Referring to claims 60-65, drawing is not particularly pointing out and distinctly claiming the subject matter.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 58 is rejected under 35 U.S.C. 101 because claims are directed to a computer program.

When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3/1, 4/3/1, 5/4/3/1, 9, 11/9, 12/11/9, 13, 16, 17, 31, 32, 37, 38, 58/13, 58/37 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,670,966 by Kusanagi.

5. Regarding claim 1, an audio and/or video generation apparatus which is arranged in operation to generate audio and/or video signals, audio and/or video generation apparatus, comprising

- A recording means which is arranged in operation to record audio and/or video signals on a recording medium (Fig. 1, Col. 4 line 25-29),
- A meta data generation processor which is arranged in operation to generate meta data identifying the content of audio/video signals in response to audio/video signals (Col. 4 line 66-Col. 5 line 5),
- A communications processor which is operable to communicate meta data separately from recording medium (Col. 4 line 66-Col. 5 line 5)

6. Regarding claim 3/1, an audio and/or generation apparatus as claimed in claim 1, wherein meta data generated by meta data generation processor is at least one picture which is representative of an image from recorded video signals (Fig. 5, Col. 9 line 28-30).

7. Regarding claim 4/3/1, an audio and/or generation apparatus as claimed in claim 3/1, wherein meta data processor is arranged in operation to associate picture with an address on recording medium at which image is recorded, address forming part of meta data communicated by communications processor (Fig. 5, Col. 9 line 28-30).

8. Referring claim 5/4/3/1, an audio and/or video generation apparatus as claimed in claim 4/3/1, wherein meta data are the in and out points of a take of the audio/video signals (Fig. 4, Col. 9 line 1-14).

9. Regarding claim 9, a meta data generation apparatus comprising

- A meta data generation processor which is arranged in operation to receive audio and/or video signals, and to generate meta data identifying the content of audio/video signals in response to said audio/video signals (Col. 4 line 66-Col. 5 line 5)
- A communications processor which arranged to communicate meta data separately from recording medium (Col. 4 line 66-Col. 5 line 5)

10. Regarding claim 11/9, a meta data generation apparatus as claimed in claim 9, wherein meta data generated by meta data generation processor includes at least one picture which is representative of an image from recorded video signals (Fig. 5, Col. 9 line 28-30).

11. Regarding claim 12/11/9, Kusanagi discloses a meta data generation apparatus as claimed in claim 11/9, wherein picture is arranged in operation to be associated with an address on recording medium at which image is recorded, address forming part of meta data communicated by communications processor (Fig. 5, Col. 9 line 28-30).

12. Method claim 13 is rejected for the same reason as discussed in the corresponding apparatus claim 1 above.

13. Regarding claim 16, a video generation apparatus which is arranged in operation to generate video signals representative of an image source, video generation apparatus comprising

- A recording processor which is arranged in operation to record video signals on a recording medium (Fig. 1, Col. 4 line 25-29)
- A meta data generation processor which is arranged in operation to receive video signals and to generate at least one sample image which is representative of a video image from recorded video signals, and to associate sample image with an address on recording medium at which video image is recorded. (Col. 4 line 66-Col. 5 line 5, Col. 4 line 66-Col. 5 line 5)

14. Regarding claim 17, an video generation apparatus as claimed in claim 16, wherein at least one sample image is first and second sample images, first of sample images being generated for a video image at an in point of at least part of video signals and second of sample images being generated for a video image at an out point of at least part of video signals, and address is a first and second address, first address indicating the place on recording medium at which in point video image is recorded, and

second address indicating the place on recording medium at which out point video image is recorded (Fig. 4, Col. 9 line 1-14)

15. Meta data claims 31, 32 are rejected for the same reason as discussed in the corresponding video claims 16, 17 respectively above.

16. Regarding claim 37, a method of generating video signals representative of an image source, method comprising the steps of

- Forming video signals (Fig. 1, Col. 4 line 25-29)
- Recording video signals on a recording medium (Fig. 1, Col. 4 line 25-29)
- Generating at least one sample image which is representative of a video image from recorded video signals, (Fig. 5, Col. 9 line 28-30).
- Associating sample image with an address on recording medium at which video image is recorded (Fig. 4, Col. 9 line 1-14)

17. Method claim 38 is rejected for the same reason as discussed in the corresponding video generation claim 17 above.

18. Regarding claim 58/13, a computer program (Fig. 1 (3), Col. 4 line 10) having computer executable instructions, which when loaded on to a data processor causes the processor to operate in accordance with the method according to claim 13.

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19. Program claim 58/37 is rejected for the same reason as discussed in the corresponding claim 58/13 above.

20. Claims 42, 43, 44/42, 44/43 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,760,042 by Zetts.

21. Regarding claim 42, a system for generating an audio and/or video production comprising

- An acquisition processor operable in use to receive instructions from a user which instructions are representative of a list content items for the audio and/or video production (Col. 4 line 41-60)
- An audio and/or video generation apparatus arranged in operation to receive information representative of list of content items, and operable in use to generate audio and/or video signals in accordance with content items of list (Col. 4 line 61-Col. 5 line 5)
- An ingestion processor which is arranged in operation to receive list of content items, and audio and/or video signals and to form audio and/or video production by associating audio and/or video signals with list of content items (Col. 4 line 41-60)

22. Regarding claim 43, a system as claimed in claim 42, wherein audio and/or video signals are representative of a plurality of takes captured by generation apparatus in

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association with content items, and ingestion processor is arranged to form audio and/or video production by selecting for at least one content item at least one of a plurality of takes associated with at least one content item (Col. 3 line 12, Col. 4 line 41-60)

23. Regarding claim 44/42, a system as claimed in claim 42, wherein audio and/or video generation apparatus is provided with a meta data generation tool which is arranged in operation to generate meta data describing audio and/or video signals in combination with content item list (Fig. 10B, Col. 9 line 24-40)

24. Regarding claim 44/43, a system as claimed in claim 43, wherein audio and/or video generation apparatus is provided with a meta data generation tool which is arranged in operation to generate meta data describing audio and/or video signals in combination with content item list (Fig. 10B, Col. 9 line 24-40)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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25. Claims 2, 3/2, 4/3/2, 5/4/3/2, 10, 11/10, 12/11/10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,670,966 by Kusanagi in view of US Patent No. 4,963,994 by Levine.

26. Regarding claim 2, Kusanagi discloses metadata (Fig. 5, Col. 9 line 28-30) but Kusanagi fails to disclose meta data generation processor to receive a pre-defined list of takes of audio/video signals to be generated, meta data generation processor being arranged in operation to generate meta data in association with list of takes, and communications processor is arranged to communicate meta data in association with list of takes.

Levine discloses a pre-defined list of takes o audio/video signals to be generated (Col. 1 line 54-63, Col. 2 line 12-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have pre- defined list of takes for future programming which will be convenient for viewer.

27. Regarding claim 3/2, Kusanagi discloses an audio and/or generation apparatus as claimed in claim 1, wherein meta data generated by meta data generation processor is at least one picture which is representative of an image from recorded video signals (Fig. 5, Col. 9 line 28-30).

28. Regarding claim 4/3/2, Kusanagi discloses an audio and/or generation apparatus as claimed in claim 3/1, wherein meta data processor is arranged in operation to associate picture with an address on recording medium at which image is recorded, address forming part of meta data communicated by communications processor (Fig. 5, Col. 9 line 28-30).

29. Referring claim 5/4/3/2, Kusanagi discloses an audio and/or video generation apparatus as claimed in claim 4/3/1, wherein meta data are the in and out points of a take of the audio/video signals (Fig. 4, Col. 9 line 1-14).

30. Regarding claim 10, Kusanagi discloses stored metadata (Fig. 5, Col. 9 line 28-30, Col. 8 line 62-67) but Kusanagi fails to disclose meta data generation processor to receive a pre-defined list of takes of audio/video signals to be generated, meta data generation processor being arranged in operation to generate meta data in association with list of takes, and communications processor is arranged to communicate meta data in association with list of takes.

Levine discloses a pre-defined list of takes o audio/video signals to be generated (Col. 1 line 54-63, Col. 2 line 12-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have pre- defined list of takes for future programming which will be convenient for viewer.

31. Regarding claim 11/10, Kusanagi discloses a meta data generation apparatus as claimed in claim 10, wherein meta data generated by meta data generation processor includes at least one picture which is representative of an image from recorded video signals (Fig. 5, Col. 9 line 28-30).

32. Regarding claim 12/11/10, Kusanagi discloses a meta data generation apparatus as claimed in claim 11/10, wherein picture is arranged in operation to be associated with an address on recording medium at which image is recorded, address forming part of meta data communicated by communications processor (Fig. 5, Col. 9 line 28-30).

33. Claims 18/16, 18/17, 19/18/16, 19/18/17, 33/31, 33/32, 34/33/31, 34/33/32, 39, 58/39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,670,966 by Kusanagi in view of US Patent No. 6,766,098 by McGee et al.

34. Regarding claim 18/16, Kusanagi discloses metadata generation processor is arranged in operation to generate a plurality sample images, each of which is representative of a video image from recorded video signals (Fig. 4, Col. 9 line 1-14) but Kusanagi fails to disclose activity detector.

McGee discloses activity detector to detect scene change (Col. 5 line 25-33, 50-60)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have activity detector for arranging operation of receiving information to let viewer know what changes made.

35. Claim 18/17 is rejected for the same reason as discussed in the corresponding claim 18/16 above.

36. Regarding claim 19/18/16, McGee discloses a video generation apparatus as claimed in claim 18/16, wherein activity detector generates activity signal by forming a histogram of color components of video image and determining a rate of change of color components (Col. 5 line 25-33, 50-60)

37. Claim 19/18/17 is rejected for the same reason as discussed in the corresponding claim 19/18/16 above.

38. Metadata claims 33/31, 33/32, 34/33/31, 34/33/32 are rejected for the same reason as discussed in the corresponding video claims 18/16, 18/17, 19/18/16, 19/18/17 respectively above.

39. Claim 39 is rejected for the same reason as discussed in the corresponding claims 18/16 and 18/17 above.

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40. Regarding claim 58/39, a computer program (Fig. 1 (3), Col. 4 line 10) having computer executable instructions, which when loaded on to a data processor causes the processor to operate in accordance with the method according to claim 39

41. Claims 47, 48, 49/47, 49/48, 50/49/47, 50/49/48, 53, 54, 55/53, 55/54, 56/55/53, 56/55/54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,760,042 by Zetts in view of US Patent No. 4,963,994 by Levine.

42. Regarding claim 47, Zetts discloses an acquisition processor for use in generating an audio/video production, comprising a control processor coupled to a data store (Col. 10 line 3, 10-13), a user interface coupled to the control processor for receiving commands from a user (Col. 10 line 10-13) but Zetts fails to disclose pre-planned audio video materials.

Levine discloses a pre-defined list of takes o audio/video signals to be generated (Col. 1 line 54-63, Col. 2 line 12-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have pre- defined list of takes for future programming which will be convenient for viewer.

43. Claim 48 is rejected for the same reason as discussed in the corresponding claim 47 above.

44. Regarding claim 49/47, Zetts discloses an acquisition processor as claimed in claim 47 wherein communications interface is arranged to receive signals representative of meta data identifying at least one audio/video material item recorded onto a recording medium (Col. 2 line 66, 67, Col. 3 line 11, 12) but Zetts fails to teach pre-planned audio/video material items.

Levine discloses a pre-defined list of takes o audio/video signals to be generated (Col. 1 line 54-63, Col. 2 line 12-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have pre- defined list of takes for future programming which will be convenient for viewer.

45. Claim 49/48 is rejected for the same reason as discussed in the corresponding claim 49/47 above.

46. Claims 50/49/47, 50/49/48 are rejected for the same reason as discussed in the corresponding claims 49/47 and 49/48 above.

47. Regarding claim 53, Zetts discloses an audio and/or video generation apparatus for generating audio and/or video signals, audio and/or video generation apparatus comprising a recording means which is arranged in operation to record audio and/or video signals on a recording medium (Fig. 1, Col. 4 line 3), a communications interface arranged in operation to receive data (Col. 10 line 10-13), and a meta data generation

processor coupled to communications interface and to recording means and arranged in operation to generate meta data identifying at least one audio/video material item recorded on to recording medium (Col. 2 line 66, 67, Col. 3 line 11, 12).

Zetts fails to disclose pre-planned audio/video material items.

Levine discloses a pre-defined list of takes o audio/video signals to be generated (Col. 1 line 54-63, Col. 2 line 12-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have pre- defined list of takes for future programming which will be convenient for viewer.

48. Claim 54 is rejected for the same reason as discussed in the corresponding claim 47 above.

49. Regarding claim 55/53, Zetts discloses an audio and/or video generation apparatus as claimed in any of claim 53, comprising a user interface coupled to meta data generation processor (Col. 10 line 10-13) and meta data generation processor is arranged in operation include in meta data identifying preferred one of audio/video material items data representing preferred indication (Fig. 5, Col. 7 line 6-21).

Zetts fails to disclose pre-planned audio/video material items.

Levine discloses a pre-defined list of takes o audio/video signals to be generated (Col. 1 line 54-63, Col. 2 line 12-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have pre- defined list of takes for future programming which will be convenient for viewer.


50. Claims 55/54, 56/55/53, 56/55/54 are rejected for the same reason as discussed in the corresponding claim 55/53 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THAI TRAN
PRIMARY EXAMINER